

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

DAVID J. JAMIESON, M.D.)
Certificate No. A-14112)

Respondent)

No. D-2879

N-18667

NOTICE OF ORDER OF REMAND

TO: The hearing tribunal and to the parties and their attorneys of record:

In Ettinger v. Board of Medical Quality Assurance (1982) 135 Cal. App. 853, the Court of Appeal ruled "that the proper standard of proof in an administrative hearing to revoke or suspend a doctor's license should be clear and convincing proof to a reasonable certainty and not a mere preponderance of the evidence." (Ettinger rule)

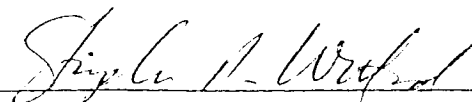
Recently, the California Supreme Court denied the medical board's petition for hearing in the Ettinger case.

In light of these circumstances, on November 18, 1982, the Division of Medical Quality made an order remanding the above-captioned case to the hearing tribunal to include in its findings a statement of the standard of proof used in the case and to redetermine the cause in accordance with the Ettinger rule. The tribunal is requested to give this matter priority consideration and hopefully complete this remand within 45 days. The tribunal shall not take additional evidence.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

DATED: Nov 24, 1982.

By:



STEPHEN R. WILFORD
Assistant Executive Director